

## **REMARKS**

Applicants wish to thank the examiner for identifying the patentable subject matter of Claims 4-5, 11-12, and 20-21. Responses to rejections and objections are set forth below in paragraphs numbered correspondingly to the Office Action.

### ***Allowable Subject Matter***

#### **Office Action ¶¶ 5-6: Claims 4-5, 11-12, and 20-21 were objected to.**

Claims 4-5, 11-12, and 20-21 were objected to as depending from rejected claims.

Claims 1 and 16 have been amended to include the added limitation language of Claims 4 and 20 respectively, and Claims 4 and 20 have been cancelled herein as redundant. Claims 5 and 21 have been amended herein to reflect this change; originally, they depended from Claims 4 and 20, respectively, and as amended they depend from Claims 1 and 16, respectively.

Applicants note that original Claims 4 and 20 depended from intervening Claims 3 and 18, respectively, but that the recitations of Claims 3 and 18 have not been copied into the independent claims (1 and 16, respectively). Since the limitations in those intervening claims were not a basis for the Examiner's indication of allowable subject matter, Applicants believe that the independent claims are still allowable for the reasons so indicated. It is therefore respectfully submitted that the basis for objection has been remedied, and that these claims and those depending from them are in condition for allowance.

Regarding Claims 11 and 12, as discussed below, Applicants believe that the rejection of their parent, Claim 6, should be withdrawn in light of the respective priority dates of this application and the Zhu reference. It is therefore believed that the objection to Claims 11 and 12 should likewise be withdrawn.

### ***Certified Priority Documents***

The cover sheet for the Action indicated that certified priority documents had not been received by the Office. Certified priority documents have, therefore, been obtained and are enclosed herewith.

### ***Drawings***

#### **Office Action ¶ 1: Figure 20 was objected to under MPEP § 608.02(g).**

Figure 20 was objected to as needed a legend such as “Prior Art,” on the grounds that only that which is old is illustrated. A proposed replacement Fig. 20 effecting this change is submitted herewith.

### ***Claim Rejections***

#### **Office Action ¶¶ 2-3: Claims 1-3, 6-9, 13-18, and 22 were rejected under 35 U.S.C. § 103(a).**

Claims 1-3, 6-9, 13-18, and 22 were rejected as anticipated by Zhu et al. (U.S. Patent No. 6,404,954). The Office Action asserts that Zhu et al. discloses the instant claimed invention, except for an outer cylindrically shaped glass holder for holding therein the optical filter, the first optical system, and the second optical system. The Office Action further asserts that it would have been obvious to modify Zhu et al. to have such a holder, since it was held that forming in one piece an article which has formerly been formed in three pieces involves only routine skill in the art.

Claim 1 has been amended herein to incorporate the added limitation language of Claim 4, which the Examiner identified as a basis for finding patentable subject matter. It is therefore believed that the rejection of Claim 1 has been obviated.

Claims 2 and 3 depend from Claim 1, and therefore include each of its limitations. It is therefore believed that the rejection of Claims 2 and 3 has likewise been obviated.

With respect to Claims 6-9 and 13-15, it is respectfully submitted that Zhu should be removed as a reference. These claims are supported by the specification of Japanese Patent Application No. 2000-209135, which has a priority date of July 10, 2000; the Zhu reference's priority date of August 31, 2000 is subsequent. Consequently, Applicants request that the rejections of these claims, and the claims that depend from them (including Claims 10-12 as well), be withdrawn.

Claim 16 has been amended herein to incorporate the added limitation language of Claim 20, which the Examiner identified as a basis for finding patentable subject matter. It is therefore believed that the rejection of Claim 16 has been obviated.

Claims 17, 18, and 22 each depend from Claim 16, and therefore include each of its limitations. It is therefore believed that the rejection of these claims has likewise been obviated.

**Office Action ¶ 4: Claims 10 and 19 were rejected under 35 U.S.C. § 103(a).**

Claims 10 and 19 were rejected as obvious over the combination of Zhu et al. (U.S. Patent No. 6,404,954) and Pan (U.S. Patent No. 5,359,683).

With respect to Claim 10, it is respectfully submitted that Zhu should be removed as a reference, because this claim is supported by the specification of Japanese Patent Application No. 2000-209135. As discussed above with respect to Claims 6-9 and 13-15, the instant application claims priority from this Japanese application, which has a priority date prior to the Zhu reference. Applicants therefore request this rejection be withdrawn.

Regarding Claim 19, this claim depends from Claims 16. As discussed above, Claim 16 has been amended herein to include the limitations of original Claim 20, which the Examiner identified as containing patentable subject matter. Because Claim 19 depends from Claim 16, it



includes each of its limitations. It is therefore respectfully submitted that the rejections of Claims 19 has been obviated.

**RECEIVED**

MAR 08 2004

### CONCLUSION

For the foregoing reasons, Applicants submit that all claims are in a condition for allowance, and respectfully requests a prompt Notice of Allowance for all pending claims. It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the outstanding Office Action in the most expedient fashion.

No additional claim fees are believed to be required with this Amendment. A three-month extension of time in which to reply (to and including February 23, 2004) is requested, for which a \$950.00 is required. An Information Disclosure Statement is also enclosed, for which a fee of \$180.00 is believed to be due. A check for \$1130.00 is therefore enclosed herewith. No further fees are believed necessary; nevertheless, the Commissioner is hereby authorized to charge any additional fees due, including statutory fees for extensions of time, to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By Matthew R. Schantz  
Matthew R. Schantz, Reg. No. 40,800  
Woodard, Emhardt, Moriarty,  
McNeff & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
Telephone: (317) 713-4936  
Facsimile: (317) 637-7561